

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FELTON L. MATTHEWS, JR.

Petitioner,

VS.

DWIGHT NEVEN, *et al.*

Respondents.

2:12-cv-01286-PMP-GWF

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner. By order filed September 25, 2012, this Court had the petition served on respondents and directed a response from respondents within 45 days. (ECF No. 3).

On October 3, 2012, petitioner filed a motion/notice of additional habeas claims. (ECF No.

6). Good cause appearing, petitioner's motion is granted. The additional claims set forth in petitioner's October 3, 2012 filing (ECF No. 6) shall be deemed part of the habeas petition and respondents shall respond to the same, when they file a response to the petition.

On October 4, 2012, petitioner filed a notice regarding an inmate incident. (ECF No. 7). Petitioner explains that he is receiving harsher treatment in prison because of the crime for which he was convicted. Petitioner asserts that a correctional officer allowed an inmate to throw a biological

1 contaminant on petitioner. (ECF No. 7, at p. 1). To the extent that petitioner makes allegations
2 regarding his conditions of confinement, he is advised that such allegations must be litigated as a
3 civil rights action pursuant to 42 U.S.C. § 1983, rather than in this habeas corpus action.

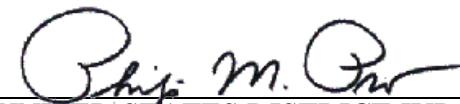
4 **IT IS THEREFORE ORDERED** that petitioner's motion for additional habeas claims
5 (ECF No. 6) is **GRANTED**.

6 **IT IS FURTHER ORDERED** that the additional claims set forth in petitioner's October 3,
7 2012 filing (ECF No. 6) shall be deemed part of the habeas petition and respondents **SHALL**
8 **RESPOND** to such claims at the same time they file a response to the petition.

9 **IT IS FURTHER ORDERED** that the Clerk of Court **SHALL SEND** petitioner the
10 approved form for filing a civil rights complaint under 42 U.S.C. § 1983, as well as the document
11 "Information and Instructions for Filing a Civil Rights Complaint."

12 **IT IS FURTHER ORDERED** that if petitioner wishes to pursue a civil rights action, he
13 may file a complaint as a new action, opened under a new case, but he shall not file a civil rights
14 complaint in this habeas action.

15 Dated this 6th day of October, 2012.

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17 Philip M. Gwin
18 UNITED STATES DISTRICT JUDGE

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